

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

GLORIA BECKER, as Personal Rep.  
of the Estate of Kenneth Becker,

Plaintiff,

v.

Case Number 06-13432-BC  
Honorable Thomas L. Ludington

ROTARY AIR FORCE MANAGEMENT, INC.,  
a/k/a/ Rotary Air Force Marketing, Inc.,  
a foreign corporation,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART  
AND DENYING IN PART DEFENDANT'S MOTION TO DISMISS, AND DIRECTING  
PLAINTIFF TO FILE AMENDED COMPLAINT**

This matter is before the Court on a report by Magistrate Judge Charles E. Binder issued on February 8, 2007 recommending that the defendant's motion to dismiss for lack personal jurisdiction be denied with respect to Rotary Air Force Marketing, Inc., but granted with respect to Rotary Air Force Management, Inc. The magistrate judge suggested that, although listed as a single defendant in the caption of the case – that is, Rotary Air Force Management d/b/a Rotary Air Force Marketing – Rotary Air Force Marketing was in fact a separate corporate entity over which this Court has personal jurisdiction by virtue of its contacts with Michigan. The same was not true, however, with respect to Rotary Air Force Management. Consequently, the magistrate judge treated the two entities as separate defendants for purposes of analysis.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The defendant's failure to file objections to the report and

recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 28] is **ADOPTED** and the defendant's motion to dismiss [dkt # 17] is **GRANTED** with respect to Rotary Air Force Management, Inc., but **DENIED** with respect to Rotary Air Force Marketing, Inc.

It is further **ORDERED** that Rotary Air Force Management is **DISMISSED** as a party defendant to this action.

It is further **ORDERED** that the plaintiff file an amended complaint on or before **March 30, 2007** to reflect to correct party defendant to this action, Rotary Air Force Marketing, Inc.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 6, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 6, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS